SINGLE BENCH

C.S. 1001 — (6)

1

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [Cri.] NO. 6734/2006

PETITIONER :- Jaleshwari Bai Chandrakar wife of late Bhojram Chandrakar, aged about 22 years, resident of village – Agri, P.S. Thankharmia, Tahsil- Saja, District Durg [C.G.], Presently residing at village- Amchok, out post- Dadhi, Tahsil Bemetara, District Durg [C.G.].

VERSUS

RESPONDENTS :- 1] State of Chhattisgarh, through – Superintendent of Police, District - Durg [C.G.].

2] Jeevan Chandrakar, S/o Sadaram Chandrakar, aged about 49 years,

3] Maidul Mishra, S/o Bisahu Prasad Mishra, aged about 30 years.

4] Thakur Ram, S/o Jeevan Chandrakar, aged about 20 years.

5] Anjani Bai W/o Jeevan Chandrakar, aged about 40 years,

No. 2 to 5 are resident of village Agrikhurd, P.S. Thankharmia, Tahsil- Saja, District Durg [C.G.].

P.R. No. 627/06 Vimlesh Bajpai
Presented by
dated 16-10-06

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CLERK to A. G. BILASPUR

COMMISSIONER
PARNA
MALVIYA
G-2073/95
16/11/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP (cr) 6734/ **सन्** 2006

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11.12.2006 Shri Praveen Das, counsel for the petitioner. Shri Sanjay S Agrawal, Government Advocate for respondent No.1 / State. None for others. Heard. Bhojram Chandrakar (since deceased) was killed on 11.10.2005. Crime was registered by the Police and after investigation; respondents No.2 & 3 have been prosecuted for committing offence of murder. Undisputedly, the case was committed to the Court of Sessions and Sessions Trial against respondents no.2 & 3 is in vogue. During the trial, a number of witnesses have been examined by the prosecution. At this juncture, this petition has been filed stating that during the investigation, Police did not record the statement of eyewitness namely Punaram Mishra and other witnesses Urmila and Sushila, who were aware of all the circumstances, and with a prayer to direct respondent No.1 to investigate the matter in proper manner. When trial is in vogue, and trial Court finds evidence of any person material for just decision of the case, the Court is empowered under Section 311 of the Cr.P.C. to summon the person and to record his evidence. Therefore, in such circumstances, no further investigation is called for. With the aforesaid observation, Writ Petition 6734/2006 is dismissed. **Sd/-** **V.K.Shrivastava** **Judge**	
padma		

(पीछे देखिये)

28/12/06